

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

RECEIVED

16 FEB 2004

PCT

14 APR 2005

Applicant's or agent's file reference 021136PC/IDJ	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU2003/001377</b>	International Filing Date (day/month/year) 16 October 2003	Priority Date (day/month/year) 17 October 2002
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl. <sup>7</sup> A61K 31/7016, A61P 31/04</b>		
Applicant <b>ALCHEMIA PTY LTD et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 8 January 2004	Date of completion of the report 3 February 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: <a href="mailto:pct@ipaaustralia.gov.au">pct@ipaaustralia.gov.au</a> Facsimile No. (02) 6285 3929	Authorized Officer  <b>S. Chew</b> Telephone No. (02) 6283 2248

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-24	YES
	Claims -	NO
Inventive step (IS)	Claims 1-24	YES
	Claims -	NO
Industrial applicability (IA)	Claims 1-24	YES
	Claims -	NO

**2. Citations and explanations (Rule 70.7)****Novelty (N) and Inventive Step (IS): Claims 1-24**

D1 WO 1999/026956 A1 (INTERCARDIA INC) 3 June 1999

D2 WO 1998/053813 A1 (INTERCARDIA INC) 3 December 1998

D3 WO 2000/064915 A1 (IRL INC) 2 November 2000

D1 discloses moenomycin analogues and their use in the inhibition of bacterial growth. These compounds comprise two pyranose rings bridged by an oxo group, where the cyclic oxygen atoms are located ortho and meta to this bridging group.

D2 discloses a formula which includes within its scope two pyranose linked rings, however no information is given regarding the geometry of the cyclic oxygen atoms about the bond.

D3 discloses antibacterial disaccharides related to moenomycin that retain the ortho and meta relationship of the cyclic pyranose oxygen atoms to the bridging oxo group.

D1 and D3 are regarded as the closest prior art. These documents disclose the preparation of a range of antibacterial compounds structurally related to the known antibacterial agent moenomycin, which retain the ortho/meta geometry about the pyranose rings.

None of the citations discloses or fairly suggests a disaccharide wherein the two pyranose rings are bridged by an oxo group such that the cyclic oxygen atoms are located ortho and para to the bridging oxo group. Claims 1-24 are therefore novel and have an inventive step.

**Industrial Applicability (IA): Claims 1-24**

Claims 1-24 are industrially applicable.